

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Wallets, Handbags, Purses, Clutches, and Totes August 4, 2009

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Michael Green is the Executive Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are listed on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least August 4, 2006, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- Types of Product: The specific types of product causing this violation are wallets, handbags, purses, clutches and totes. These products are made of materials and components that contain Lead. Non-exclusive examples of these specific types of products are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the fabric used to make some of the products both as a stabilizer and as a chemical ingredient in some of the dyes, paints and other coloring agents. Lead is also found in the metallic components such as zippers and zipper pulls used on the products. The route of exposure for the violations is direct ingestion when consumers (including children) place the products or items that have been stored in the products in their mouths; ingestion via hand to mouth contact after consumers touch or handle the products or items that have been stored in the products; and dermal absorption directly through the skin when consumers touch or handle the products or items that have been stored in the products. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead. On July 16, 2009,

EXHIBIT 1
August 4, 2009 Notice of Violation
Lead in Wallets, Handbags, Purses, Clutches, and Totes

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Claire's Boutiques, Inc. 3 SW 129th Avenue Pembroke Pines, FL 33027 Claire's Stores, Inc. 3 SW 129th Avenue Pembroke Pines, FL 33027 CBI Distributing Corp. 2400 W. Central Rd. Hoffman Estates, IL 60192	Icing by Claire's Orange Tote Bag	SKU No. 75397-0
	Brown Purse	SKU No. 74169-4
Coldwater Creek, Inc. One Coldwater Creek Drive Sandpoint, ID 83864 Coldwater Creek U.S. Inc. One Coldwater Creek Drive Sandpoint, ID 83864	Green Slouchy Leather Hobo	SKU No. 019091784-090
Hot Topic, Inc. 18305 E. San Jose Avenue City of Industry, CA 91748 Hot Topic Merchandising, Inc. 18305 E. San Jose Avenue City of Industry, CA 91748	Black & Red Patent Quilted Handbag	SKU No. 544580-000
Jill Stuart, Inc. 550 Seventh Avenue Floor 24 New York, NY 10018 Jill Stuart International, LLC 550 Seventh Avenue Floor 24 New York, NY 10018	Lemon Dorothea Bag	SKU No. 8-42902-03440-6 Style No. 7321M

Lodis Accessories, Inc. 10455 Jefferson Blvd Culver City, CA 90232	Yellow Ballet Wallet	SKU No. 7-36301-23952-7
Metropark USA, Inc. 5750 Grace Place Los Angeles, CA 90022	Grey / Red / Black Hobo Bag	SKU No. 4-02501-01143-9 Style No. 02501-0783 Item No. 2622200005
Mondani Handbags & Accessories, Inc. 320 Fifth Avenue Floor 9 New York, NY 10001 T.J. Maxx of CA, LLC 770 Cochituate Road Framingham, MA 01701 The TJX Companies, Inc. 770 Cochituate Road Framingham, MA 01701	Emilie M. Orange Purse	SKU No. 6-05398-18561-4 TJ Maxx Style No. 098992 Style No. EMX1815F
T.J. Maxx of CA, LLC 770 Cochituate Road Framingham, MA 01701 The TJX Companies, Inc. 770 Cochituate Road Framingham, MA 01701	Bonita Bags Yellow Purse	SKU No. 6-11566-88723-5 ID No. 19-0195-294687- 001499-12-2 Style No. 27-1275-011
	Mirror Mirror Green Tote Bag	SKU No. 7-67014-11747-5 ID No. 19-0145-997912- 001699-18-7
	LineaR Green Purse	SKU No. 7-91439-74661-3 TJ Maxx Style No. 184529 Style No. 11LAA63MX

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Howard Hirsch, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney with the Lexington Law Group and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code § 25249.7(h)(2), i.e. (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

August 4, 2009


Howard Hirsch
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 1627 Irving Street, San Francisco, California 94122. I am over the age of 18 years and not a party to the within cause.

On August 4, 2009, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisks).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 4, 2009, at San Francisco, California.

Signed: _____
Ellen Reed

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa County
627 Ferry Street
Martinez, CA 94553

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Del Norte County
450 H Street, Ste 171
Crescent City, CA 95531

District Attorney of Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street
El Centro, CA 92243

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Los Angeles County
210 W. Temple Street, Room 345
Los Angeles, CA 90012

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Marin County
3501 Civic Center Dr., Room 130
San Rafael, CA 94903

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93517

District Attorney of Mariposa County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Monterey County
230 Church Street, Bldg. 2
Salinas, CA 93901

District Attorney of Mendocino County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Nevada County
201 Church St., Suite 8
Nevada City, CA 95959

District Attorney of Orange County
401 Civic Ctr Drive West
Santa Ana, CA 92701

District Attorney of Modoc County
204 S Court Street
Alturas, CA 96101-4020

District Attorney of Placer County
10810 Justice Center Drive
Suite 240
Roseville, CA 95678

District Attorney of San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney of San Diego County
330 West Broadway, Suite 1320
San Diego, CA 92101

District Attorney of Riverside County
4075 Main Street
Riverside, CA 92501

District Attorney of San Francisco County
850 Bryant Street, Rm 325
San Francisco, CA 94103

District Attorney of Sacramento County
901 "G" Street
Sacramento, CA 95814

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95201

District Attorney of San Luis Obispo
County
1050 Monterey St, Room 450
San Luis Obispo, CA 93408

District Attorney of San Benito
County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of San Mateo
County
400 County Ctr, 3rd Fl
Redwood City, CA 94063

District Attorney of Sierra County
Courthouse, P.O. Box 457
Downieville, CA 95936

District Attorney of Santa Barbara
County
1105 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
675 Texas Street, Suite 4500
Fairfield, CA 94533

District Attorney of Santa Clara
County
70 West Hedding Street, West
Wing
San Jose, CA 95110

District Attorney of Santa Cruz
County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney of Sonoma County
600 Administration Drive, Room
212J
Santa Rosa, CA 95403

District Attorney of Shasta County
1525 Court Street, Third Floor
Redding, CA 96001-1632

District Attorney of Stanislaus
County
800 11th Street, Room 200
PO BOX 442
Modesto, CA 95353

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of Ventura
County
800 South Victoria Ave
Ventura, CA 93009

District Attorney of Tehama
County
P.O. Box 519
Red Bluff, CA 96080

District Attorney of Yolo County
301 Second Street
Woodland, CA 95695

District Attorney of Trinity County
P.O. Box 310
11 Court St.
Weaverville, CA 96093

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

District Attorney of Tulare County
221 S. Mooney Ave, Room 224
Visalia, CA 93291

District Attorney of Tuolumne
County
423 No. Washington Street
Sonora, CA 95370

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

Los Angeles City Attorney's Office
800 City Hall East
200 N. Main Street
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue #1620
San Diego, CA 92101

San Francisco City Attorney's
Office
City Hall, Room 234
San Francisco, CA 94102

California Attorney General's
Office
Attention: Proposition 65
Coordinator
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612

Rowland Schaefer, CEO *
CBI Distributing Corp.
2400 W. Central Rd.
Hoffman Estates, IL 60192

Rowland Schaefer, CEO *
Claire's Boutiques, Inc.
3 SW 129th Avenue
Pembroke Pines, FL 33027

Rowland Schaefer, CEO *
Claire's Boutiques, Inc.
11401 Pines Blvd
Pembroke Pines, FL 33026

Eugene Kahn, CEO *
Claire's Stores, Inc.
3 SW 129th Avenue
Pembroke Pines, FL 33027

Daniel Griesemer,
President & CEO *
Coldwater Creek, Inc.
One Coldwater Creek Drive
Sandpoint, ID 83864

President *
Coldwater Creek U.S. Inc.
One Coldwater Creek Drive
Sandpoint, ID 83864

Elizabeth McLaughlin, CEO *
Hot Topic, Inc.
18305 E. San Jose Avenue
City of Industry, CA 91748

Gerald Cook, President *
Hot Topic Merchandising, Inc.
18305 E. San Jose Avenue
City of Industry, CA 91748

Gerald Cook, President *
Hot Topic Merchandising, Inc.
1600 S. Azusa Ave, # 133
City of Industry, CA 91748

Jill Stuart, President *
Jill Stuart, Inc.
550 Seventh Avenue
Floor 24
New York, NY 10018

Ronald Curtis, CEO *
Jill Stuart International, LLC
550 Seventh Avenue
Floor 24
New York, NY 10018

Paul Diamond, President *
Lodis Accessories, Inc.
10455 Jefferson Blvd
Culver City, CA 90232

Renee Bell, CEO *
Metropark USA, Inc.
5750 Grace Place
Los Angeles, CA 90022

Renee Bell, CEO *
Metropark USA, Inc.
532 Coral Ridge Place
City of Industry, CA 91746

Steven Hedaya, President *
Mondani Handbags &
Accessories, Inc.
320 Fifth Avenue
Floor 9
New York, NY 10001

President *
T.J. Maxx of CA, LLC
770 Cochituate Road
Framingham, MA 01701

Carol Meyrowitz, CEO *
The TJX Companies, Inc.
770 Cochituate Road
Framingham, MA 01701